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(b) (6) [redacted]

21 January 2021

Subject: Submittal of Comments

Nota Bene: These comments are prepared in response to the FAA's Solicitation of Feedback during Public Scoping Period as Part of a Draft EA of SpaceX's Plans to Launch of Starship-Super Heavy Prototypes from SpaceX Facility at Boca Chica, Texas. (Valley Morning Star 24 December 2020).

Submitted to: spacexbocachica@icf.com

Applicable Regulatory Agency: Federal Aviation Administration

Activity Proposed: Launch of Starship-Super Heavy Prototypes from SpaceX Facility at Boca Chica, Texas.

Abbreviations:

EIS: Environmental Impact Statement
EA: Environmental Assessment
FAA: Federal Aviation Administration
FONSI: Finding of No Significant Impact
LNG: Liquified Natural Gas
NEPA: National Environmental Policy Act

Comment 1: The FAA be removed as the lead agency to administer the National Environmental Policy Act for actions at the SpaceX Boca Chica launch site.

We strongly believe that the FAA should not be in a position to govern this particular National Environmental Policy Act's action. The FAA's track record on

overseeing SpaceX's work at the Boca Chica Launch Facility is, in our opinion, a failure. In this matter, it seem to us that the FAA has lacked the public's best interests, the political independence, and the managerial wisdom to properly and safely control SpaceX's work to date. The leadership and staff at the FAA seem to view the NEPA process as a sort of "game", or a dodge. The FAA appears to work to avoid public input and/or involvement into SpaceX operations by fulfilling only the letter of the Act---not the intent of the Act. It is relatively simple for an agency to "hide" key documents from the public, limit information available to the public, or make routes to public involvement obscure or difficult. For example, the FAA has openly demonstrated its unwillingness, or inability, to manage the SpaceX EIS process or operation at the Boca Chica site as witnessed by the following findings:

1.1 It is not clear why the FAA is the regulatory oversight. To our knowledge, no governmental body has explained how the Boca Chica Launch site was converted from a State of Texas Park, to a Cameron County Park, thus allowing the site's takeover by SpaceX (a private company). What occurred was unknown to the public and appears highly suspicious.

1.2 The site is adjacent to environmentally-sensitive federal lands, which have been impacted by fire from the launches. The FAA has failed to disclose this fact openly. This failure is further highlighted by the fact that no SpaceX employee was criminally charged for destruction of a wildlife sanctuary.

1.3 The FAA failed to shut down the SpaceX operations at the Boca Chica launch site after SpaceX's failure caused the burning of over one hundred acers of wildlife refuge. People living near the site have already been seriously impacted and inconvenienced by the launches. If SpaceX is allowed to launch heavier rockets and increase the frequency of launches the impact of residents will worsen. This strongly underlines the FAA's inability or reluctance to properly oversee, and manage the SpaceX operations at Boca Chica in the public, the tax payer, and the environment's best interests.

1.4 The original SpaceX Boca Chica EIS leading to a FONSI determination by the FAA does not exist in any public format available to us. Thus, for purposes of the current NEPA process this FONSI does not exist and should not be referred to or relied upon. By law and regulation, a NEPA document must be widely and readily available to any member of the public that wishes to review the document. However, we have searched for and requested this document since 2014 and have not received even a notice that it existed, let alone where to find it. We have formally requested information to where the document exists, either in paper format or electronic format, but have not even received recognition of our request let alone an answer. We therefore submit that the oft-cited original 2014 SpaceX Boca Chica Launch Facility EIS must be imaginary and consequently should not be cited or referred to in any manner or for any purpose—legal or bureaucratic.

1.5 To us the evidence shows that the FAA's management in this action is either to sloppy or to politically compromised to effectively protect the citizens or natural resources of the United States via the NEPA process. In our opinion, this yields two (2) courses of action:

- First, the FAA must prove it is technically competent, independent, and not politically compromised in order to manage the NEPA process in this matter. If it cannot,
- Second, the NEPA regulatory oversight should be handed over to a competent, independent, and non-politically compromised regulatory agency.

Comment 2: <u>An independent grand jury should be impaneled to investigate and review the public and private actions and all the steps taken to turn taken to convert the Boca Chica site from State Park to a County Park into a private facility overseen by an absentee Federal agency (FAA).</u>

A grand jury should be impaneled to investigate this transformation and insure that all administrative action required were legal and accomplished without bribes, kickbacks, or intimidation of the public officials involved, whether county, State or Federal. The grand jury scope should include the production and

approval of the 2014 EIS and that lands subsequent approval of dangerous activities of questionable value and risk to the surrounding human population, the environment, United States' security, and humanity.

Comment 3: The FAA should publically, and openly, publish its intentions and guidelines for use in fulfilling its duties under the National Environmental Policy Act.

The intent of the EA should be published by the FAA. For Example: is the intent to protect the citizens and natural resources of the United States from potential harm from the proposed action, or is the intent of the EA to quickly fulfill the paperwork requirements necessary for SpaceX to continue operations? Please note that referring to laws (Federal and State) that require the EA's adherence does NOT fulfill the requirement to clearly state the intent of the EA.

The names and positions of people tasked to read and respond to the comments should be made available to commenters along with each reviewer's resume and proof of technical and scientific competence to address the comments. In addition, a certification of independence and absence of untoward influence should be made publically available for each reviewer.

Comment 4: SpaceX should immediately halt all activities at the Boca Chica launch site until all safety concerns have been addressed to the satisfaction of all concerned public citizens.

The Keystone Cops inspired Boca Chica SpaceX Launch team seems determined to burn up all vegetation, wildlife, and peoples of Deep South Texas. Plus, the team thinks it is humorous when their incompetence causes deflagration of wildlife refuges, county roads, beaches, and structures. SpaceX obviously has no regard for the natural resources or peoples of the Boca Chica area or Cameron County. They act as though they are free to destroy everything in the Boca Chica area without apology or remuneration---in short we and what we treasure are expendable to SpaceX.

The proven total disregard for the citizens and natural resources of Cameron County Texas is evident in all aspects of SpaceX's Boca Chica operations. SpaceX

has proven that they do not possess the professional responsibility or competence to conduct potentially- dangerous actions safely or successfully. All actions at the Boca Chica Launch Site should first be proven to be safe to conduct elsewhere---for example on Long Island, New York. Once that is proven and accepted by New York authorities, then and only then, should the action should be considered at Boca Chica and be presented to the citizens of Texas for consideration.

Comment 5: The Boca Chica Launch Site is located on the border with the Republic of Mexico. As such, it seems to us that the interests (both environmental and public health and safety) of the State of Tamaulipas and Mexico should be considered and addressed. Has any contact been made with their regulatory authorities?

Comment 6: The writers of the proposed NEPA document EA should review and consider the documents (permit applications, public comments, technical releases, etc.) related to the proposed Liquified Natural Gas (LNG) facilities planned for locations near Port Isabel, Texas on the Brownsville Ship Channel. These locations are within five (5) miles or less of the existing SpaceX Launch site.

Please note that the regulatory record and public comments for these proposed LNG facilities address many concerns of the public and environmental considerations that are directly applicable to the proposed SpaceX operations. There are three (3) proposed LNG facilities, each requiring multiple (Federal and State of Texas) permits, and thus contain multiple sets of public comments.

Comment 7: The FAA's inability to oversee this NEPA action is underscored by the fact that the wrong email address for the submittal of comments was published in the local newspapers (See Valley Morning Star 24DEC2020), with no subsequent errata published. The email address (although incorrect) appears to belong to SpaceX. Where is the FAA oversight here? Or, is FAA relying on SpaceX to give them the public input? In addition, the newspaper listed no physical mailing address to use for comment submittal. Consequently, a prospective commenter is forced to have access to the internet and even so would be using an erroneous email address. In other words, no one would take delivery of submitted

comments. In addition, there has been a total lack of information about the proposed action appearing in Spanish.

If competent people were in control of this operation, then the error of publishing a fraudulent email would have been detected and an immediate correction (errata) published. This did not happen. Accordingly, either publishing the erroneous email was intentional or the people managing the operation are careless.

Further, and of deeper concern, is the fact that no notification about the proposed action was made in Spanish. Cameron County is over 98 percent Hispanic and sits on the border with Mexico. The majority of the public are Spanish-language dominant. These failings and omissions are akin to planning an operation in Hawaii and being surprised that there is an ocean nearby. In our opinion, they set a new low point of incompetence, or obfuscation, by both the FAA and SpaceX employees.

We were ultimately able to access other online out-of-town newspaper articles and finally obtain the correct email address. This took luck and addition time on our part.

Sincerely,

Mary F. Jarvis, PhD

Timothy T. Jarvis, PhD, CSP